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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,116	04/23/2007	Antonio Giangrasso	117814-02101	5187

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MCCARTER & ENGLISH, LLP BOSTON
265 Franklin Street
Boston, MA 02110

EXAMINER

NAFF, DAVID M

ART UNIT	PAPER NUMBER
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1657

MAIL DATE	DELIVERY MODE
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07/06/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/581,116	Applicant(s) GIANGRASSO, ANTONIO	
	Examiner David M. Naff	Art Unit 1657	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 7 and 9 is/are allowed.
- 6) ☒ Claim(s) 6, 8 and 10-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

An amendment of 4/8/10 amended claims 4-8 and added new claims 9-14.

Claims examined on the merits are 1-14, which are all claims in the application.

Claim Rejections - 35 USC § 112

5 The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10 Claims 6, 8 and 10-14 are rejected under 35 U.S.C. 112, second paragraph, as being
indefinite for failing to particularly point out and distinctly claim the subject matter which
applicant regards as the invention.

15 Dependent claims 6 and 14 are confusing by being unclear where the surrounding
material is located, what the surrounding material surrounds and material that is a surrounding
material in the methods of claims 4 and 10, respectively. The relationship between the methods
of claims 4 and 10 and the surrounding material of claims 6 and 14 should be made clear, or
claims 6 and 14 should be deleted.

20 Claim 8 is confusing and unclear how the plastics powder differs from the plastics
particles of claim 1 since in claim 8 the size of the plastics powder grains can be the same size
as the plastics particles, and the plastics powder can have the same specific density and
melting point as the plastics particles. The plastics particle size is 0.01 mm to 100 mm whereas
the plastics powder grain size is 0.2 mm to 1.5 mm. A plastics particle size the same size as the
plastics powder grain size will not be different from the powder. Claim 8 encompasses the
plastics powder being the same as the plastics particles of claim 1. Reciting "powder" and
"grain" in claim 8 does not require the powder be different from the plastics particles since a
25 grain is a particle, and plastics particles is a powder if the particle size is that of a powder. To
be different, the plastics powder must have physical characteristics different from the plastics

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particles. It is suggested claim 8 be amended as follows: line 1, cancel "comprising" and insert --- wherein more than 50% of the plastics particles have a particle size in the range of 5 mm to 100 mm, and the method further comprises ---. A plastics particle size of 5 mm to 100 mm is disclosed in the specification (page 5, lines 1-2). This amendment will result in the plastics particles being different from the plastics powder.

Claim 10 and claims dependent thereon are unclear by claim 10 reciting "wherein the composite material is a bacteria carrier material". This is unclear as to whether the composite is carrying bacteria or is capable of carrying bacteria. If the composite is not carrying bacteria, biological treatment required in line 1 of the claim cannot be accomplished. The following amendment is suggested: line 2 of claim 10, cancel "is a", and insert --- carries ---.

Conclusion

Claims 1-5, 7 and 9 are allowed.

Claims 6, 8 and 10-14 are free of the prior art.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M. Naff whose telephone number is 571-272-0920. The examiner can normally be reached on Monday-Friday 9:30-6:00.

5 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon P. Weber can be reached on 571-272-0925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/David M. Naff/
Primary Examiner, Art Unit 1657

DMN
7/2/10